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## OLR Bill Analysis

sHB 5145 (as amended by House "A")\*

### ***AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.***

#### **SUMMARY:**

By law, misdemeanors are punishable by imprisonment of up to one year. They are classified according to severity as class A, class B, and class C. There are also unclassified misdemeanors which are punishable by imprisonment but not designated under one of these classes.

This bill:

1. creates a new misdemeanor classification (a class D misdemeanor),
2. adjusts the penalties of currently unclassified misdemeanors to fit them into classifications while deeming others to be classified,
3. reduces the penalties for some unclassified misdemeanors to fine-only violations, and
4. repeals some unclassified misdemeanors.

Specifically, it:

1. reduces 45 unclassified misdemeanors to violations which are punishable by fines only, with 39 of them payable by mail as with infractions;
2. classifies 57 unclassified misdemeanors without changing the maximum prison sentence each carries but increasing their potential fines;

3. classifies eight unclassified misdemeanors by increasing their maximum prison sentence and 22 unclassified misdemeanors by decreasing the maximum prison sentence, with some changes to their potential fines;
4. for 13 statutes, creates a new penalty structure, with different penalties based on prior convictions under the statutes (in some instances these crimes already had different penalties depending on prior convictions and in some instances the bill adds them);
5. classifies 17 unclassified misdemeanors by making slight changes to their maximum prison sentences, such as classifying a crime punishable by up to 12 months in prison as a class A misdemeanor punishable by up to one year in prison;
6. eliminates 11 unclassified misdemeanors by repealing statutes and two unclassified misdemeanors by removing the criminal penalty for violating the statute;
7. requires that any unclassified misdemeanor with a maximum prison penalty equal to the penalty in one of the classes of misdemeanors be deemed included in that class of misdemeanor; and
8. sets the possible probation term for the class D misdemeanor classification it creates and changes the probation terms for some unclassified misdemeanors.

\*House Amendment "A" deletes a provision in the original bill that would have changed the penalty for employers' threatening voters to a class A misdemeanor from the current penalty of six to 12 months in prison, a fine of \$100 to \$500, or both.

EFFECTIVE DATE: October 1, 2012, except (1) the changes to probation terms are effective October 1, 2012 and applicable to sentences imposed for crimes committed on or after that date and (2) two conforming changes are effective January 1, 2013.

## **CLASSES OF MISDEMEANORS AND UNCLASSIFIED MISDEMEANORS DEEMED CLASSIFIED (§§ 1-3)**

By law, misdemeanors are crimes that are punishable by up to one year in prison. Current law classifies misdemeanors as:

1. class A, punishable by up to one year in prison, a fine of up to \$2,000, or both;
2. class B, punishable by up to six months in prison, a fine of up to \$1,000, or both;
3. class C, punishable by up to three months in prison, a fine of up to \$500, or both; and
4. unclassified, punishable by a prison term and fine specified in the individual statute.

The bill creates a new class D misdemeanor punishable by up to 30 days in prison, a fine of up to \$250, or both.

Under the bill, an unclassified misdemeanor that specifies a maximum prison penalty that matches the maximum penalty for one of the classifications is deemed to be a misdemeanor of that classification. The bill also retains the fine specified in the statute creating that misdemeanor, even if it does not match the usual fine for that classification. An unclassified misdemeanor with a penalty of imprisonment that differs from any of the classifications remains unclassified.

## **PROBATION FOR MISDEMEANORS (§ 4)**

The bill makes a number of changes regarding probation terms for misdemeanors.

It sets the possible probation term for a class D misdemeanor at up to one year, the same as the law currently provides for a class B or C misdemeanor. By law, unchanged by the bill, the maximum probation term for a class A misdemeanor is two years.

Currently, people convicted of unclassified misdemeanors can be

sentenced to a probation term of up to (1) one year if the crime is punishable by up to three months in prison or (2) two years if the crime is punishable by more than three months in prison. The bill instead makes the maximum probation terms (1) one year if the crime is punishable by up to six months in prison and (2) two years if it is punishable by more than six months. Thus, the bill reduces, from two years to one, the maximum probation term for someone sentenced for an unclassified misdemeanor punishable by three to six months in prison.

The bill also changes the maximum probation terms for unclassified misdemeanors punishable by up to six months in prison that are deemed classified as B misdemeanors under the bill. The bill reduces their maximum probation term from two years to one.

### **UNCLASSIFIED MISDEMEANORS REDUCED TO VIOLATIONS**

The bill reduces the penalty for 45 unclassified misdemeanors to violations, which are punishable by fines only and not a prison term.

Under the bill, 39 of these violations are payable by mail, like infractions, and do not require a court appearance (see § 50). The bill sets the maximum fine for each of these violations and authorizes the Superior Court judges to set the actual fine that violators will pay in their schedule of fines for infractions and violations. Table 1 lists the 34 crimes reduced to mail-in violations with fines of up to \$250. Table 2 displays the five crimes reduced to mail-in violations with maximum fines higher than \$250.

**Table 1: Unclassified Misdemeanors Reduced to Mail-in Violations  
with Fines up to \$250**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)
6	14-283(h)	Obstruct emergency vehicle*	Up to 7 days Up to \$200
8	15-144(h)(2)	Illegal use of vessel registration or decal	Up to 30 days Up to \$100
9	15-154(d)	Operate vessel to obstruct law enforcement or fire vessel	Up to 7 days Up to \$200
10	16-44	Fail to report change of name-public utility	Up to 60 days

			Up to \$200
12	20-249	Act as master barber without license	Up to 30 days Up to \$100
14	21-1	Selling at auction without license	Up to 60 days Up to \$50
15	22-12b	Violate fur breeding requirements	Up to 30 days Up to \$100
16	22-167	Violate local order regarding milk sales	Up to 30 days Up to \$100
17	22a-363	Violate coastal water dredging requirements	10 to 30 days \$15 to \$50
19	25-45	Violate local reservoir ordinances	Up to 6 months Up to \$50
20	25-135	Violate well drilling requirements	Up to 3 months Up to \$100
21	26-18	False statement-application for fish/game	Up to 30 days Up to \$100
22	26-42	Deal in raw furs without license	Up to 10 days \$100 to \$250
24	26-56	Import rabbit without permit	Up to 30 days Up to \$100
25	26-58	Taxidermy without license	Up to 30 days \$1 to \$100
26	26-87	Unauthorized rabbit hunting with ferret	Up to 30 days \$10 to \$50
27	26-91(a)	Migratory bird hunting	Up to 30 days Up to \$50
28	26-94	Swan hunting	Up to 30 days Up to \$100
29	26-98	Hunting non-game birds, illegal bird trapping and trap shooting, false statement in bird hunting permit	Up to 30 days \$10 to \$200
30	26-104	Illegal hunting in Bantam Lake sanctuary	Up to 30 days Up to \$100
31	26-105	Illegal hunting in Lake Wononscopomuc	Up to 30 days Up to \$100
32	26-217	Using chain bags on oyster beds	Up to 30 days Up to \$50
33	26-232	Violate shellfishing restrictions on Housatonic and Saugatuck rivers	Up to 30 days Up to \$100
35	26-257a	Violate local shellfish commission regulations	Up to 30 days Up to \$50
36	26-260	Illegal clamming in Milford and West Haven	Up to 30 days Up to \$7
37	26-276	Illegal oystering in Hammonasset River	Up to 60 days Up to \$20
38	26-284	Illegal oystering in Thames River	Up to 30 days Up to \$7
39	26-285	Illegal oystering in Old Lyme	Up to 30 days Up to \$50
40	26-286	Illegal oystering in East Lyme and Waterford	Up to 30 days \$7 to \$20
42	26-288	Violate scallop regulations	Up to 60 days Up to \$50
46	29-25	Fail to report laundry identification marks	Up to 3 months

			Up to \$100
47	45a-283	Executor failing to apply for probate	Up to 30 days Up to \$100
48	53-199	Theater seating capacity violations	Up to 30 days Up to \$50
49	53-280	Operating pool room without municipal permit	Up to 6 months Up to \$50

\*Fines doubled if in a construction or utility work zone (see CGS § 14-212a).

**Table 2: Unclassified Misdemeanors Reduced to Mail-in Violations with Other Fines**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)	Mail-in Violation Fine Under the Bill
7	15-25	Injury to navigational aid	Up to 60 days \$250 to \$500	Up to \$1,000
11	19a-113	Violate scuba compressed air requirements	Up to 5 months Up to \$500	Up to \$500
13	20-366	Violate sanitarian requirements	Up to 3 months Up to \$300	Up to \$500
18	25-43(a)	Bathing in reservoir	Up to 30 days Up to \$500	Up to \$500
34	26-244	Improper redesignation of oyster grounds	Up to 6 months Up to \$300	Up to \$300

The bill reduces six unclassified misdemeanors to violations with fines of up to \$250 but they are not subject to the mail-in procedure and the offender must appear in court. For these six offenses, the law also authorizes the court to impose additional penalties. Table 3 displays these crimes reduced to violations. As under current law, the penalty for illegal sale of raw furs (§ 23, CGS § 26-43) includes suspending the fur dealer's license for one year, the penalty for towing a dredge near shellfish (§ 154, CGS § 26-231) includes forfeiting the right to fish for one year, and the penalties for violating the other four statutes include allowing the court to order that a shellfishing permit or license not be issued to the offender.

**Table 3: Unclassified Misdemeanors Reduced to Violations with Fines of up to \$250 not Subject to Mail-in Procedures**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)
23	26-43	Illegal sale raw furs to dealer	Up to 10 days \$100 to \$250

41	26-287	Illegal shellfishing in the Niantic River		Up to 10 days Up to \$200
43	26-290	Illegal scallop taking in Groton		Up to 60 days Up to \$50
44	26-291a	Illegal shellfishing in Stonington		Up to 30 days Up to \$25
45	26-292	Illegal scallop taking in Stonington		Up to 60 days Up to \$50
154	26-231	Towing dredge near shellfish	1 <sup>st</sup> offense	Up to 30 days Up to \$50
			2 <sup>nd</sup> and subsequent (SBS) offense	Up to 60 Up to \$100

### UNCLASSIFIED MISDEMEANORS CLASSIFIED WITHOUT A CHANGE IN MAXIMUM SENTENCE BUT CHANGES IN FINES

The bill classifies 57 unclassified misdemeanors without changing their maximum prison terms. By classifying these crimes, the bill increases their maximum fines but, in some instances, also eliminates a minimum fine. Table 4 displays these crimes.

**Table 4: Unclassified Misdemeanors the Bill Classifies Without Changing Maximum Prison Sentences but Changing Fines**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)	Penalty Under the Bill
51	1-1h	Illegal use of identity card	Up to 30 days Up to \$50	D misdemeanor
52	9-56	Illegal act by registrar regarding party enrollment list	Up to 30 days Up to \$200	D misdemeanor
53	9-64	Registrar's failure to erase name	Up to 30 days Up to \$200	D misdemeanor
54	9-236	Prohibited acts near polling place	Up to 3 months Up to \$50	C misdemeanor
55	9-396	Illegal act-ballot vote at caucus	Up to 30 days Up to \$200	D misdemeanor
56	9-625	Fail to appear as witness-campaign finance inquiry	Up to 30 days Up to \$25	D misdemeanor
57	12-53 (c)(4)	Fail to answer tax assessor's question	Up to 30 days Up to \$100	D misdemeanor
58	14-36a(f)	Motor vehicle license class violations--2 <sup>nd</sup> and SBS (1 <sup>st</sup> offense is an infraction) This penalty also applies to operating a commercial vehicle without a commercial drivers' license (CGS § 14-44a)	Up to 30 days Up to \$100	D misdemeanor
59	14-37a(d)	Special operator permit violations	Up to 30 days Up to \$100	D misdemeanor
60	14-40a(e)	Motorcycle endorsement requirement violations--2 <sup>nd</sup> and SBS (1 <sup>st</sup> offense is an infraction)	Up to 30 days Up to \$100	D misdemeanor

61	14-66c	Mini-motorcycle sale or disposal violations—2 <sup>nd</sup> and SBS (1 <sup>st</sup> offense is an infraction)	Up to 30 days \$50 to \$100	D misdemeanor
62	14-67	Operate an automobile club without a license	Up to 30 days Up to \$100	D misdemeanor
63	14-103	Obstruct a motor vehicle inspection	Up to 30 days Up to \$50	D misdemeanor
64	14-112(h)	Forgery-motor vehicle financial responsibility requirements	Up to 30 days At least \$100	D misdemeanor
65	14-314b	Damage a traffic control device	Up to 30 days Up to \$100	D misdemeanor
66	19a-36(a)(7)	Public health code violations	Up to 3 months Up to \$100	C misdemeanor
67	19a-180(d)	Prohibited act by emergency medical services	Up to 3 months Up to \$250	C misdemeanor
68	19a-228	Illegal anchoring of houseboat	Up to 30 days Up to \$50	D misdemeanor
69	19a-230	Municipal health violations	Up to 3 months Up to \$100	C misdemeanor
70	20-278	Electrologist violations	Up to 30 days Up to \$100	D misdemeanor
71	20-609	Illegal use of pharmacy title	Up to 30 days Up to \$200	D misdemeanor
72	21-13	Junk dealer violations	Up to 3 months Up to \$50	C misdemeanor
73	21a-11	Refusing to give consumer protection officials access to records or samples	Up to 30 days Up to \$25	D misdemeanor
74	21a-25	Violate impure vinegar requirements—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)	Up to 30 days Up to \$100	D misdemeanor
75	21a-155	Bread or pastry sales violations	Up to 30 days Up to \$25	D misdemeanor
76	22-277	Livestock violations or interfering with inspections by agriculture officials	Up to 30 days Up to \$200	D misdemeanor
77	22-321	Animal disease control violations or obstructing agriculture officials	Up to 30 days Up to \$100	D misdemeanor
78	22-329	Obstructing a canine control officer preventing cruelty to animals	Up to 30 days Up to \$50	D misdemeanor
79	22-332c	Impoundment of dogs and medical research violations	Up to 30 days Up to \$100	D misdemeanor
80	22-363	Possessing a vicious or barking dog—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is infraction)	Up to 30 days Up to \$100	D misdemeanor
81	22-365	Obstructing an animal control officer	Up to 3 months Up to \$100	C misdemeanor
82	22-366	Cropping a dog's ears—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)	Up to 30 days Up to \$50	D misdemeanor
83	26-45	Sale of bait without a license	Up to 30 days \$10 to \$100	D misdemeanor
84	26-74	Hunting with a motor vehicle, all terrain vehicle, or snowmobile	Up to 30 days Up to \$200	D misdemeanor
85	26-127	Illegal transport of bait species	Up to 30 days \$50 to \$200	D misdemeanor
86	26-149	Unlicensed commercial hatchery	Up to 30 days Up to \$200	D misdemeanor
87	26-157a	Violating lobster taking requirements	Up to 30 days \$25 to \$200	D misdemeanor

88	26-213	Taking shellfish without a license for commercial purposes		Up to 30 days Up to \$100	D misdemeanor
89	26-216	Illegal use of a power dredge—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)		Up to 30 days \$50 to \$200	D misdemeanor
90	26-219	Taking conch without a license		Up to 30 days Up to \$200	D misdemeanor
91	31-4	Defrauding immigrant workers of wages		Up to 1 year Up to \$100	A misdemeanor
93	43-9(a)(3)	Impersonating weights and measures inspector		Up to 1 year \$100 to \$500	A misdemeanor
94	46a-64	Discrimination-public accommodations		Up to 30 days \$25 to \$100	D misdemeanor
95	46a-64c	Discrimination-housing		Up to 30 days \$25 to \$100	D misdemeanor
96	46a-81d	Sexual orientation discrimination-public accommodations		Up to 30 days \$25 to \$100	D misdemeanor
97	46a-81e	Sexual orientation discrimination-housing		Up to 30 days \$25 to \$100	D misdemeanor
98	50-10	Violate finder's duty-lost property		Up to 30 days Up to \$100	D misdemeanor
99	52-571bb	Discriminate against armed forces member		Up to 30 days \$25 to \$100	D misdemeanor
100	53-37	Ridicule based on race, color, or creed		Up to 30 days Up to \$50	D misdemeanor
101	53-132	Sale of equipment without a serial number or identification		Up to 3 months Up to \$100	C misdemeanor
102	53-142a	Illegal possession of a master car key	1 <sup>st</sup> offense	Up to 30 days Up to \$100	D misdemeanor
			2 <sup>nd</sup> and SBS	Up to 6 months Up to \$500	B misdemeanor
103	53-203	Illegal discharge of firearm		Up to 3 months Up to \$250	C misdemeanor
104	53-205	Loaded gun in motor vehicle or snowmobile		Up to 30 days \$10 to \$100	D misdemeanor
105	53-215	Illegal discard of refrigerator		Up to 30 days Up to \$100	D misdemeanor
106	53-249	Cruelty to poultry		Up to 30 days Up to \$100	D misdemeanor
107	53-250	Illegal use of animals		Up to 30 days Up to \$100	D misdemeanor
108	53-370	Fraudulent sale liquid fuel/oil		Up to 30 days Up to \$200	D misdemeanor

### UNCLASSIFIED MISDEMEANORS CLASSIFIED WITH INCREASED SENTENCES AND CHANGES IN FINES

The bill classifies eight unclassified misdemeanors by increasing their maximum prison sentences from the 60 days' or two months' sentence in current law. In all but one instance (§ 112, CGS § 19a-347), classification also increases each offense's maximum fine. Table 5 displays these crimes.

**Table 5: Unclassified Misdemeanors the Bill Classifies with Increased Sentences and Changes in Fines**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)	Penalty Under the Bill
109	13b-85	Violating motor bus regulations	Up to 60 days Up to \$100	B misdemeanor
110	15-52	Operating an aircraft with a suspended or revoked license	Up to 60 days Up to \$100	C misdemeanor
111	15-100	Reckless flying and other aeronautics violations	Up to 60 days Up to \$100	C misdemeanor
112	19a-347	Criminal contempt for violating an injunction relating to a house of assignation	Up to 2 months Up to \$500	C misdemeanor
113	26-78	Possession or sale of bird or reptile violations	Up to 60 days Up to \$200	C misdemeanor
114	26-88	Killing an animal with an explosive	Up to 60 days \$25 to \$200	C misdemeanor
115	47a-52	Unfit sanitation in rented dwellings	Up to 60 days Up to \$200	C misdemeanor
116	51-88	Illegal practice of law	Up to 2 months Up to \$250	C misdemeanor

**UNCLASSIFIED MISDEMEANORS CLASSIFIED WITH DECREASED SENTENCES AND CHANGES IN FINES**

The bill classifies 22 unclassified misdemeanors by decreasing their maximum prison sentences. In all but four instances where the bill decreases the maximum fine, the bill's classifications increase maximum fines. In seven instances, the bill also eliminates minimum fines. Table 6 displays these crimes.

**Table 6: Unclassified Misdemeanors the Bill Classifies with Decreased Sentences and Changes in Fines**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)	Penalty Under the Bill
117	7-169(k)(5)	Bingo game without permit or false statement in application or report	Up to 60 days Up to \$500	D misdemeanor
118	9-361(3) to (6)	Certain primary or enrollment violations	Up to 60 days Up to \$100	D misdemeanor
119	12-6	Hinder state's attorney audit of municipal accounts	Up to 60 days Up to \$200	D misdemeanor
120	14-146	Throwing object at vehicle— 2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)	Up to 60 days \$0	D misdemeanor

122	19a-109	Home or office heating and utility violations	Up to 60 days Up to \$100	D misdemeanor
123	19a-553	Fail to report nursing home crimes	Up to 60 days Up to \$200	D misdemeanor
124	20-265	Violate hairdresser requirements—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)	Up to 60 days Up to \$100	D misdemeanor
125	21-33	Itinerant vendor violations and false statements in license applications	Up to 60 days Up to \$50	D misdemeanor
126	21-35	Itinerant vending without license	Up to 60 days Up to \$50	D misdemeanor
128	22-342(d) and (e)	Operating kennel after license revoked or suspended and license or inspection violations	Up to 1 year Up to \$1,000	B misdemeanor
129	22-344e	Procure dog or cat for resale without pet shop license	Up to 1 year Up to \$1,000	B misdemeanor
130	22-358(d)	Permitting dog to pursue deer	Up to 60 days \$25 to \$200	D misdemeanor
131	26-47	Control nuisance wildlife without license	Up to 60 days \$25 to \$200	D misdemeanor
132	26-57	Transporting animals without permit	Up to 60 days \$10 to \$200	D misdemeanor
134	26-71	Violate wild game hunting and wildlife management requirements and taking certain wildlife	Up to 60 days Up to \$200	D misdemeanor
135	26-72	Wild game trapping violations	Up to 60 days Up to \$200	D misdemeanor
136	26-81	Certain hunting, fishing, and trapping violations including Sunday hunting and using a silencer	Up to 60 days \$10 to \$200	D misdemeanor
137	26-90(b)	Quadruped hunting, deer hunting, and false statement in permit violations when no other penalty	Up to 60 days \$25 to \$200	D misdemeanor
138	26-101	Wildlife refuge violations	Up to 60 days Up to \$200	D misdemeanor
141	26-229	Damage shellfish grounds markers	Up to 90 days Up to \$150	D misdemeanor
142	29-243	Violate steam boiler requirements—2 <sup>nd</sup> and SBS (1 <sup>st</sup> is fine only)	Up to 4 months Up to \$500	C misdemeanor
143	43-9(a)	Obstructing weights and measure inspector	Up to 90 days \$2 to \$200	D misdemeanor

The bill also reduces the possible prison term for four crimes to match those for misdemeanor classifications but the bill imposes higher fines for them than for the appropriate classifications. Because the prison terms match those for class B and D misdemeanors, these crimes would be deemed to be class B and D misdemeanors, as appropriate, with higher fines than those associated with these

classifications. Table 7 displays these crimes.

**Table 7: Unclassified Misdemeanors with Decreased Penalties  
that are Deemed Classified**

Bill §	Statute §	Description	Current Penalty (Prison term, fine, or both)	Penalty Under the Bill (Prison term, fine, or both)
121	15-15	Operating a boat without a pilot	Up to 60 days \$500 to \$1,000	Up to 30 days in prison, \$500 to \$2,000—deemed a D misdemeanor
127	22-319a	Illegal sale of hog cholera serum	Up to 1 year \$5,000 to \$10,000	Up to 6 months, \$5,000 to \$10,000— deemed a B misdemeanor
139	26-159a	Violate striped bass regulations—3rd and SBS (1st and 2nd are fine only)	Up to 60 days Up to \$500 per fish	Up to 30 days, up to \$500 per fish—deemed a D misdemeanor
140	26-228	Taking shells or shellfish at night	Up to 60 days \$100 to \$500	Up to 30 days, \$100 to \$500— deemed a D misdemeanor

## **CHANGES TO THE PENALTY STRUCTURE FOR CERTAIN UNCLASSIFIED MISDEMEANORS**

Some unclassified misdemeanors have different penalties for subsequent convictions of the offense. The bill (1) makes changes to the penalties in these statutes in a number of different ways and (2) adds penalties for subsequent convictions of some offenses that do not already have these penalties. Table 8 displays these statutes with changes in penalties based on the number of convictions for the offense.

**Table 8: Unclassified Misdemeanors the Bill Classifies with a  
New Penalty Structure**

Bill §	Statute §	Description		Current Penalty (Prison term, fine, or both)	Penalty Under the Bill
133	26-61(d)	Procuring hunting or fishing license while under suspension	1 <sup>st</sup> offense	Up to 60 days At least \$200	D misdemeanor
			2 <sup>nd</sup> and SBS	Up to 1 year \$200 to \$500	A misdemeanor
144	15-77	Operating an aircraft	1 <sup>st</sup> offense	Up to 60 days	1 <sup>st</sup> : C misdemeanor

		under the influence		Up to \$100	
			2 <sup>nd</sup> and SBS	Up to 1 year Up to \$500	2 <sup>nd</sup> and SBS: A misdemeanor
145	15-97	Violating airport zoning requirements		Up to 60 days Up to \$25	1 <sup>st</sup> : Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: D misdemeanor
146	21a-19	Violating oleomargarine requirements	1 <sup>st</sup> offense	Up to 60 days Up to \$100	1 <sup>st</sup> : Up to \$250 mail-in violation
			2 <sup>nd</sup> and SBS	Up to 4 months Up to \$200	2 <sup>nd</sup> and SBS: C misdemeanor
147	21a-159	Violating bakery requirements	1 <sup>st</sup> offense	Up to \$50	1 <sup>st</sup> : Up to \$250 mail-in violation
			2 <sup>nd</sup> offense	Up to 10 days Up to \$100	2 <sup>nd</sup> and SBS: D misdemeanor
			3 <sup>rd</sup> and SBS	Up to 30 days Up to \$200	
148	22-362	Permitting dog annoyance on highway	1 <sup>st</sup> offense	Up to 30 days \$25 to \$50	D misdemeanor for all offenses
			2 <sup>nd</sup> and SBS	Up to 60 days \$50 to \$100	
149	23-65(c)	Certain littering violations		Up to 6 months Up to \$50	1 <sup>st</sup> : Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: C misdemeanor
150	26-76	Possessing game over limit		Up to 60 days Up to \$200	1 <sup>st</sup> : Up to \$250 mail-in violation 2 <sup>nd</sup> and SBS: D misdemeanor
153	26-226	Damaging an oyster enclosure	1 <sup>st</sup> offense	Up to 30 days Up to \$50	1 <sup>st</sup> : Up to \$250 mail-in violation
			2 <sup>nd</sup> offense	30 to 90 days \$50 to \$100	2 <sup>nd</sup> and SBS: C misdemeanor with no minimum sentence
			3 <sup>rd</sup> and SBS	Up to 6 months \$150	
155	29-198	Violating elevator or escalator requirements	1 <sup>st</sup> offense	\$25 to \$100	1 <sup>st</sup> : Up to \$250 mail-in violation
			2 <sup>nd</sup> and SBS	30 to 180 days \$100 to \$500	2 <sup>nd</sup> and SBS: B misdemeanor
156	35-20	Using a filed device, name, or mark on a receptacle	1 <sup>st</sup> offense	Up to 30 days Up to \$5 per bottle or \$10 per box	1 <sup>st</sup> : Up to \$250 mail-in violation
			2 <sup>nd</sup> and SBS	Up to 1 year Up to \$10	2 <sup>nd</sup> and SBS: C misdemeanor
157	43-9	<ul style="list-style-type: none"> <li>Using a false weighing device</li> <li>Manufacture, sale, and use of milk bottles (see CGS § 43-23)</li> <li>Liquefied petroleum gas container violations</li> </ul>	1 <sup>st</sup> offense	Up to 3 months \$50 to \$300	1 <sup>st</sup> : C misdemeanor
			2 <sup>nd</sup> and SBS	Up to 1 year \$100 to \$1,000	2 <sup>nd</sup> and SBS: B misdemeanor

		(see CGS § 43-43) • Thread violations (see CGS § 43-45) • Weight dealer violations (see CGS § 43-52)			
158	43-34	Violate petroleum product weighing, delivery ticket, and tare weight of vehicle requirements	1 <sup>st</sup> offense	Up to 3 months \$20 to \$200	1 <sup>st</sup> : C misdemeanor
			2 <sup>nd</sup> and SBS	Up to 1 year \$50 to \$500	2 <sup>nd</sup> and SBS: B misdemeanor

Except for certain violations with other penalties, current law punishes commercial fishing violations with up to 30 days in prison, a fine of up to \$250, or both, with each fish or crustacean taken being a separate offense. The bill retains this penalty for commercial fishing violations involving net and boat licenses, restricted waters near streams or estuaries, and fish oil or fertilizer, making them a class D misdemeanor, which does not change the penalties. For other commercial fishing violations, the bill (1) reduces the penalty for a first offense to a mail-in violation of up to \$250 and (2) makes a second or subsequent offense a class D misdemeanor, which matches the current penalty (§ 152, CGS § 26-186).

The law punishes illegally taking a moose or bear and the bill makes the following changes to the penalties.

1. For a first offense, the bill reduces the prison penalty from up to 90 days to up to 30 days and the possible fine from at least \$500 to up to \$500. The prison penalty matches the penalty for a class D misdemeanor and thus the bill deems this to be a class D misdemeanor.
2. For a second offense, the bill reduces the prison penalty from up to 120 days to up to three months and the possible fine from at least \$750 to up to \$750. The prison penalty matches the penalty for a class C misdemeanor and thus the bill deems this to be a class C misdemeanor.
3. For a third or subsequent offense, the bill reduces the prison penalty from up to 180 days to up to six months and the possible fine from at least \$1,000 to up to \$1,000. The prison

penalty matches the penalty for a class B misdemeanor and thus the bill deems this to be a class B misdemeanor (§ 151, CGS § 26-80a).

### **UNCLASSIFIED MISDEMEANORS WITH SLIGHT CHANGES IN PRISON TERMS AND CHANGES IN FINES**

The bill classifies 17 crimes by making only slight changes to their maximum prison sentences, such as classifying a crime punishable by up to 12 months in prison as a class A misdemeanor punishable by up to one year in prison. The bill also makes changes to fines for all but five of these crimes.

**Table 9: Unclassified Misdemeanors with Minor Changes in Prison Terms and Changes in Some Fines**

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>	<b>Current Penalty (Prison term, fine, or both)</b>	<b>Penalty Under the Bill</b>
159	2-46	Fail to comply with legislative investigation and fail to answer claims commissioner's subpoena (see CGS § 4-151(e))	1 to 12 months \$100 to \$1,000	A misdemeanor
162	14-67v	Motor vehicle recycler violations	Up to 90 days Up to \$100	C misdemeanor
167	15-7	Violate Bridgeport harbormaster order	Up to 90 days Up to \$1,000	C misdemeanor
168	15-115(b)	False statement in report of aircraft accident	Up to 90 days \$100 to \$1,000	C misdemeanor
170	19a-92a	Illegal tattooing of person	Up to 90 days Up to \$100	C misdemeanor
171	20-407	Violate hearing aid dealer requirements	Up to 90 days Up to \$500	C misdemeanor
172	21-35h	Violate closing-out sale requirements	Up to 90 days Up to \$500	C misdemeanor
173	22-272a	Using illegal slaughter methods	Up to 90 days Up to \$500	C misdemeanor
174	22a-45c	Obstructing mosquito control	Up to 90 days Up to \$100	C misdemeanor
175	26-6b	Fail to obey conservation officer	Up to 90 days \$50 to \$500	C misdemeanor
178-179	29-357	Sell fireworks without a permit	Up to 90 days Up to \$100	C misdemeanor
180-181	29-366	Fail to comply with fireworks requirements	Up to 90 days Up to \$100	C misdemeanor
183	42-115u	Violate unfair sales practices requirements	Up to 90 days Up to \$500	C misdemeanor
184	42-141	Violate the home solicitation sales act	Up to 90 days Up to \$500	C misdemeanor
185	43-16q(a)	Solicit a false weight certificate—2 <sup>nd</sup> and SBS	30 to 90 days \$100 to \$500	C misdemeanor

		(1 <sup>st</sup> is fine only)		
185	43-16q(b)	Illegal act by licensed public weigher	30 to 90 days \$50 to \$500	C misdemeanor
186	53-329	Illegal sale of prisoner products	Up to 90 days Up to \$1,000	C misdemeanor

The bill also makes minor changes to prison terms in order to deem certain misdemeanors classified. In doing so, it preserves the existing fines which vary from those that usually apply to the classification. Table 10 displays these offenses.

**Table 10: Unclassified Misdemeanors with Minor Changes in Prison Terms that are Deemed Classified Under the Bill with No Change in Fines**

Bill §	Statute	Description	Current Penalty (Prison term, fine, or both)	Penalty Under the Bill
160	10a-224(g)	Illegal financial interest by Connecticut Higher Education Supplemental Loan Authority (CHESLA) board member	Up to 1 month \$50 to \$1,000	30 days and same fine, deemed a D misdemeanor
161	14-35a	Motor carrier operating vehicle with suspended or revoked registration or operating without authority—1 <sup>st</sup> offense	Up to 90 days \$500 to \$1,000	Three months and same fine, deemed a C misdemeanor
164	14-215(b)	Operate motor vehicle while under license suspension or revocation—1 <sup>st</sup> offense	Up to 90 days \$150 to \$200*	Three months and same fine, deemed a C misdemeanor
165	14-215a	Operate motor vehicle while license suspended for certain reasons (see CGS § 14-140)—1 <sup>st</sup> offense	Up to 90 days \$150 to \$200	Three months and same fine, deemed a C misdemeanor
166	14-299a(e)	Violate traffic signal preemption device requirements	Up to 90 days Up to \$5,000	Three months and same fine, deemed a C misdemeanor
169	15-156(c)	Operate boat while safe boating certificate revoked or suspended—1 <sup>st</sup> offense	Up to 90 days \$150 to \$200	Three months and same fine, deemed a C misdemeanor
176	26-192f	Shellfishing in closed area and misleading shipments	Up to 12 months Up to \$1,000 or three times the shellfishes' value	One year and same fine, deemed an A misdemeanor
177	26-235(d)	Taking clams from a closed area	Up to 12 months \$75 to \$1,000 or three times the clams' value	One year and same fine, deemed an A misdemeanor

182	38a-734	Insurance consultant-receiving an illegal fee	30 to 90 days \$250 to \$2,500	Three months and same fine, deemed a C misdemeanor
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\* Fines doubled if in a construction or utility work zone (see CGS § 14-212a).

## ELIMINATED CRIMINAL PENALTIES

The bill eliminates the following two criminal penalties:

1. up to three months in prison, a fine of up to \$50, or both for a registrar who knowingly makes false entries in vital records (§ 187) and
2. up to 30 days in prison, a fine of up to \$100, or both for violating the brucellosis control regulations which include testing cattle, quarantines, vaccinations, and importing cattle (§ 188).

## REPEALED STATUTES

The bill repeals the following 11 statutes (§ 193) and makes conforming changes (§§ 189-192).

1. It eliminates a provision that willfully refusing to leave the vicinity when ordered to do so by a fire department officer directing activities at a fire or emergency site, unless the person has a state police press card, is punishable by up to seven days in prison, a fine of up to \$50, or both. By law, the fire chief or any member serving as officer-in-charge when responding to a fire or emergency can order someone to leave the vicinity (CGS § 7-313e). By law, it is a class A misdemeanor to obstruct, resist, hinder, or endanger a firefighter or fail to assist a firefighter when commanded to do so (CGS §§ 53a-167a and -167b).
2. It eliminates a provision punishing removing or damaging a traffic control sign at a railroad crossing or light illuminating a sign with up to 30 days in prison, a fine of up to \$10, or both (CGS § 13b-346). By law, damage to railroad property is a (a) class D felony if a person intentionally causes an interruption in service by damaging property or intentionally causes more than \$1,500 in damage; (b) class A misdemeanor if a person intends to cause an interruption by damaging property and causes a risk of

interruption or intentionally causes more than \$250 in damage; or (c) class B misdemeanor if a person intentionally or recklessly damages property, intentionally or recklessly tampers with property and places the property in danger of damage, or damages property by negligence using a potentially harmful or destructive force or substance (CGS § 53a-117k et seq.).

3. It eliminates a provision punishing willfully damaging property on the fair grounds of an agricultural society, obstructing officers performing their duties there, and wrongfully gaining admission to the fairgrounds with up to 30 days in prison, a fine of up to \$25, or both (CGS § 22-125). By law, various generally applicable criminal laws apply to this conduct, regardless of where it occurs.
4. It eliminates provisions requiring anyone growing swine to be used other than on the premises to register with the agriculture commissioner; authorizing the commissioner to issue orders and regulations on examinations, quarantines, disinfection, treatment, disposition, transportation, importation, feeding, and sanitation; authorizing investigations of diseases and preventing spread of diseases, prohibiting bringing swine into the state unless they are brucellosis-free and pseudorabies-negative and requiring test after importation (with exceptions); and requiring swine brought in for immediate slaughter to be killed in an approved slaughterhouse under veterinary inspection. It eliminates the penalty of up to 30 days in prison, a fine of up to \$100, or both for violating these provisions (CGS § 22-319). A number of other statutes apply to diseases of domestic animals and provide penalties for their violation (CGS §§ 22-278 et seq., 22-319a, and 22-320a et seq.).
5. It eliminates a provision punishing putting or leaving a dead animal in a pond, spring, or reservoir that supplies water to a building or willfully putting a dead animal in any water with up to 30 days in prison, a fine of up to \$50, or both (CGS § 25-38). By law, putting anything into a spring, fountain, cistern, or other

place where water is taken for drinking or other purposes to pollute its quality is punishable by up to six months in prison, a fine of up to \$500, or both (CGS § 25-39). By law, anyone who puts a pollutant or harmful substance into a reservoir, lake, pond, or stream that provides public water supply is subject to up to 30 days in prison, a fine of up to \$500, or both (CGS § 25-43(b)). The law also prohibits allowing a pollutant or harmful substance to enter a public water supply reservoir or its tributaries but the bill changes the penalty for violating this provision from an unclassified misdemeanor to a mail-in violation of up to \$500 (see § 18 above, CGS § 25-43(a)).

6. It eliminates a provision punishing (a) a state or local police officer or anyone with arrest powers who, directly or indirectly, receives a reward, gift, or gratuity for influencing his or her behavior and (b) anyone who gives, offers, or promises it (unless approved by the commissioner, chief, or police commissioners because of official services) with up to six months in prison, a fine of up to \$100, or both (CGS § 29-9). By law, it is a class C felony (punishable by one to 10 years in prison, a fine of up to \$10,000, or both) for a (a) public servant to solicit, accept, or agree to accept a benefit for, because of, or as consideration for a decision, opinion, recommendation, or vote or (b) person to offer to do so (CGS §§ 53a-147 and -148).
7. It eliminates a provision punishing anyone who operates or intends to operate a manufacturing or mechanical establishment who has not registered with the labor commissioner or not been included on the list of Connecticut factories. (The labor department no longer compiles this list.) The registration includes the owner's and business' name, nature, and location, and other information the commissioner requires. An employer's failure to register is punishable by a fine of \$25 to \$100 for the 1<sup>st</sup> offense and a fine of \$100 to \$500 and 30 to 60 days in prison, or both for subsequent offenses (CGS § 31-28).
8. It eliminates provisions prohibiting industrial home work (a

business giving materials to someone at home to manufacture, finish, repair, or handle) unless the business and person performing the work receive certificates from the labor commissioner. To receive a certificate, a person must be age 16 or older and prove that illness or old age incapacitate him or her from working in the regular business place or that his or her services are essential in the home to care for a household member. The work at home must be customary in the field and suspending it must be an undue hardship. Certificates cannot be issued if someone in the home has a communicable disease. Wage rates must be the same as in places of similar work. An employer can receive a certificate for a \$25 annual fee if work in home is customary and necessary in the industry, no harmful or dangerous apparatus or substance is used, and certified home workers are used. The employer must keep records and the commissioner can seize evidence of violations. Violations are punishable by up to \$25 per day, up to 30 days in prison, or both, and the commissioner can revoke a certificate or permit (CGS § 31-33).

9. It eliminates a provision that payments to employee welfare funds (CGS § 31-53(i)) that are considered past due under a written contract or rules and regulations adopted by the fund's trustees are treated as wages for purposes of allowing an employee, labor organization, or the labor department to sue and recover twice the amount due plus costs and reasonable attorneys' fees. A proprietor, partner, or corporate officer, director, or employee who fails to make a payment is subject to up to a \$200 fine, up to 30 days in prison, or both for each week of nonpayment. A proprietor, partner, or corporate officer of director is personally liable in a civil action for the amounts due plus costs and reasonable attorney's fees (CGS § 31-89a).
10. It eliminates a provision prohibiting burying a body within 350 feet of a house unless (1) a public highway intervenes, (2) the body is encased in a lined vault, (3) it is buried in a cemetery established by November 1, 1911 or a plot adjacent to it was

made part of it with the public health commissioner's approval (which must be recorded in the land records), or (4) the cemetery was more than 350 feet away from any house when it was established. Currently, violations are punishable by up to a \$50 fine, up to 30 days in prison, or both (CGS § 53-332).

11. It eliminates a provision that requires the top of a container with a corpse to be buried at least 2.5 feet below ground or 1.5 feet below ground if the container is made of steel, bronze, concrete, or other impermeable material, with violations punishable by up to a \$100 fine, up to 30 days in prison, or both (CGS § 53-333a). The law also prohibits burial wholly or partially above ground unless in an established cemetery or ground or structure approved by the Department of Public Health (CGS § 19a-313).

#### **OTHER CHANGES TO UNCLASSIFIED MISDEMEANORS**

The bill places a maximum prison sentence on the unclassified misdemeanor of willfully violating zoning regulations (§ 5, CGS § 8-12). Under current law, this crime is punishable by up to 10 days in prison, a fine of \$100 to \$250 per day, or both for each day the zoning violation continues. The bill caps the possible prison term at 30 days. Because the 30-day prison term matches the prison penalty for a class D misdemeanor, the bill deems this offense to be a D misdemeanor.

The law punishes eavesdropping by an employer under certain circumstances. By law, a first offense is a \$500 fine and a second offense is a \$1,000 fine. Under current law, a third or subsequent offense requires a 30-day prison sentence. The bill also allows the court to impose a fine of up to \$1,000 for a third or subsequent offense. The bill deems a third or subsequent offense to be classified as a D misdemeanor (§ 92, CGS § 31-48b).

The law punishes false statement by a dealer, repairer, or motor carrier regarding vehicle inspection. For a first offense, the bill retains the fine of up to \$1,000 but changes the maximum prison term from 90 days to three months. Thus, the bill deems this crime to be a class C misdemeanor (§ 163, CGS § 14-163e). For a second or subsequent

offense, the bill changes the potential fine from at least \$2,000 to no more than \$2,000. It retains the maximum prison sentence of up to one year. Thus, the bill deems this crime to be a class A misdemeanor. By law, this conduct is also subject to the penalty for false statement.

Under current law, anyone who violates the law or regulations regarding fireworks displays and permits and causes death or injury is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. The bill makes this a class C felony, which has the same penalty except that the prison penalty is one to 10 years. As under current law, a judge can suspend any or all of the prison sentence as none of it is a mandatory minimum sentence (§§ 178-179, CGS § 29-357, also see Table 9 for the penalty for violations that do not cause death or injury).

## BACKGROUND

### *Related Bills*

A number of bills on the House and Senate calendars amend sections of the statutes that this bill also changes. Table 11 displays these related bills.

**Table 11: Related Bills and the Related Provisions of this Bill**

Related Bill	Related Bill's Provision	This Bill's Provision
<b>sSB 29 (new File—Finance, Revenue and Bonding substitute)</b>	Merges the Connecticut Health and Educational Facilities Authority (CHEFA) with CHESLA by making CHESLA a subsidiary of CHEFA	Makes a minor change in the penalty for illegal financial interests by CHESLA board members (§ 160)
<b>sHB 57 (File 103)</b>	Extends penalties for bakery violations to violations by newly created food manufacturing establishment licensees and allows consumer protection to impose civil penalties for violations	Changes the penalties for bakery violations (§ 147)
<b>sSB 83 (File 262)</b>	Permits Sunday deer hunting with a bow and arrow under certain circumstances	Reduces the penalty for Sunday hunting and certain other hunting, fishing, and trapping violations by making it a class D misdemeanor

		rather than punishable by up to 60 days in prison, a fine of \$10 to \$200, or both (§ 136)
<b>HB 5147 (File 501)</b>	Prohibits a notary public from performing certain legal functions and imposes by reference the same penalty as for the unauthorized practice of law, which is a fine of up to \$250, up to two months in prison, or both	Increases the penalty for the unauthorized practice of law to a class C misdemeanor (§ 116)
<b>sHB 5164 (File 211)</b>	Continues the vehicle category for “activity vehicles,” a type of student transportation vehicle, which is scheduled to be eliminated on July 1, 2012 (§ 28)	Makes second and subsequent motor vehicle license class violations a class D misdemeanor, increasing the maximum fine from \$100 to \$250 but leaving the prison penalty (up to 30 days) unchanged (§ 58)
	Makes changes to procedures to revoke an automobile club license and extends licensing periods (§ 10)	Makes operating a club without a license a class D misdemeanor, increasing the maximum fine from \$100 to \$250 but leaving the prison penalty (up to 30 days) unchanged (§ 62)
	Eliminates the motor vehicle recycler subcategory of intermediate processors and laws pertaining to them (§ 12)	Changes the penalty that still applies to other recycler violations (§ 162)
	Changes the penalties for violating laws prohibiting (1) operating a commercial vehicle without a federally required periodic inspection; (2) conducting such an inspection other than as prescribed by federal regulations; and (3) making a false statement about the inspection, vehicle condition, or repair (§ 34)	Also changes these penalties (§ 163)
<b>sHB 5447, File 396, as amended</b>	Increases, from two to two-and-a-half inches, the minimum size of scallops that a person can take	Reduces the penalty for illegal shellfishing in the Niantic River to a \$250 violation from the current

by House "A"

from the Niantic River

penalty of up to 10 days in prison,  
a fine of up to \$200, or both (§ 41)

## COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42      Nay 0      (03/26/2012)